

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1000-01  
Bill No.: HB 539  
Subject: Drugs and Controlled Substances; Crimes and Punishment; Liability  
Type: Original  
Date: March 6, 2015

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Bill Summary: This proposal provides certain immunities for persons who seek medical assistance for a drug or alcohol overdose.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	\$3,170	\$7,958	\$12,277
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$3,170</b>	<b>\$7,958</b>	<b>\$12,277</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Corrections (DOC)** assume this legislation will result in a long term cost avoidance. For purposes of this fiscal note, DOC assumes a cost avoidance of approximately \$3,170 in FY 16, \$7,958 in FY 17 and \$12,277 in FY 18. The potential cost avoidance will vary according to the population due to this legislation. The DOC cost of incarceration is \$16.725 per day or an annual amount of \$6,105 per offender. The average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453. This bill provides certain immunities for persons who seek medical assistance for a drug or alcohol overdose. The bill specifically identifies several sections of legislation that contain descriptions of offenses for which people reporting a drug or alcohol overdose would not be penalized if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of the person seeking medical assistance. The maximum penalty associated with any of these offenses is a class C felony. DOC data does not allow for the identification of which, if any, of the crimes for which offenders have been convicted are the result of reporting an alcohol or drug overdose. However, the majority of offenders incarcerated and supervised by DOC that are convicted under any of the related sections of legislation are convicted of a class C felony under section 195.202.

In summary, in FY 16, there would be a decrease in the number of people admitted into prison for a Class C Felony resulting in a cost avoidance of \$2,259. There would also be a decrease in the number of people on probation and/or parole that would require supervision for a Class C Felony resulting in a cost avoidance of \$1,545. Therefore, the grand total cost avoidance for FY 16 would be \$3,170. In FY 18, there would be a decrease in the number of people admitted into prison for a Class C Felony resulting in a cost avoidance of \$2,503. There would also be a decrease in the number of people on probation and/or parole that would require supervision for a Class C Felony resulting in a cost avoidance of \$9,297. Therefore, the grand total cost avoidance for FY 18 would be \$12,277.

These figures are estimates based on a summary of current records that show 37% of new class C felonies are sentenced to prison and 63% are sentenced to probation and assigned to field supervision. The average sentence for a class C felony is 5.5 years. Offenders serving prison sentences for class C felonies spend on average 1.1 years in prison and serve the remainder of their sentences, 4.4 years, under field supervision. Offenders serving these sentences under field supervision are eligible for Earned Compliance Credit. Therefore, the length of field supervision for offenders released from prison is reduced by. Offenders serving probation sentences for class C felonies serve on average three years under supervision.

ASSUMPTION (continued)

Officials at the **Department of Mental Health**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Health and Senior Services**, the **Office of the State Public Defender**, the **Office of Prosecution Services** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Savings</u> - DOC - cost avoidance of offenders for Class C Felonies	<u>\$3,170</u>	<u>\$7,958</u>	<u>\$12,277</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$3,170</u></b>	<b><u>\$7,958</u></b>	<b><u>\$12,277</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

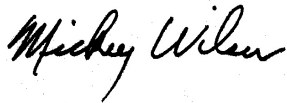
FISCAL DESCRIPTION

This bill specifies that an individual who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency, including seeking assistance for himself or herself in these instances, or if the individual is the subject of a good faith request must not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for certain specified offenses if the evidence for the arrest, charge, prosecution conviction, seizure, or penalty was gained as a result of seeking medical assistance. In any criminal prosecution for which immunity is not provided under these provisions, the court must consider the act of seeking medical assistance as a mitigating factor.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health  
Department of Public Safety  
Missouri Highway Patrol  
Department of Health and Senior Services  
Office of the State Public Defender  
Office of Prosecution Services  
Office of the State Courts Administrator  
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 6, 2015

Ross Strobe  
Assistant Director  
March 6, 2015